

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (original): A method of transmitting data over first and second channels, the first channels having a predefined grade of service and the second channels having a variable grade of service, the method comprising:

determining a load of a transmit power amplifier,  
determining a share of the load which is due to the transmission over the first channels,  
determining a difference between a maximum load and the share,  
controlling the transmission over the second channels on the basis of the difference.

2. (original): The method of claim 1, whereby the first channels are dedicated channels and the second channels are shared channels.

3. (original): The method of claim 1, whereby the load is determined by means of a moving average of the load being required to transmit the data over the first and second channels by means of the transmit power amplifier.

4. (original): The method of claim 1, the maximum load being a mean power amplitude, whereby the mean power amplitude is a safety margin below a maximum peak power amplitude.

5. (original): The method of claim 1, further comprising determining a share of the load which is due to the transmission over the second channels, whereby the share of the load which is due to the transmission over the first channels is determined by subtracting the share of the load which is due to the transmission over the second channels from the load.

6. (original): The method of claim 1, whereby the control is performed by a scheduler for the second channels.

7. (original): The method of claim 1, the transmission of data over the first channels being scheduled by a scheduler for the first channels independently from the scheduler for the second channels.

8. (currently amended): A computer program product, in particular digital storage medium, for controlling ~~the~~ transmission of data over second channels of a telecommunication system having first and second channels, the first channels having a pre-defined grade of service and the second channels having a variable grade of service, comprising program means for performing ~~the steps of~~:

entering ~~of data being~~ indicative of a load of a transmit power amplifier;  
determining a share of the load ~~which is~~ due to the transmission over the first channels;  
determining a difference between a maximum load and the share; and  
controlling the transmission over the second channels on the basis of the difference.

9. (original): A base station for transmitting of data over first and second channels, the first channels having a predefined grade of service and the second channels having a variable grade of service, the base station comprising:

means for determining a load of a transmit power amplifier,

means for determining a share of the load which is due to the transmission over the first channels,

means for determining a difference between a maximum load and the share,

means for controlling the transmission over the second channels on the basis of the difference.

10. (original): A wireless cellular telecommunication network for transmitting of data over first and second channels, the first channels having a predefined grade of service and the second channels having a variable grade of service, the telecommunication network comprising:

means for determining a load of a transmit power amplifier,

means for determining a share of the load which is due to the transmission over the first channels,

means for determining a difference between a maximum load and the share,

means for controlling the transmission over the second channels on the basis of the difference.